

From: Clare Connors [connorsce@yahoo.com]
Sent: Thursday, November 13, 2008 11:00 AM
To: Apo, Todd K; Dela Cruz, Donovan M; Kobayashi, Ann H.; Tam, Rod; Cachola, Romy; Okino, Gary; Garcia, Nestor; Challacombe, Arthur D.
Cc: Mayor Mufi Hannemann; City Clerk; Djou, Charles
Subject: TVUs in Kailua -- Legalizing an Illegal Activity

Dear Council Members,

I recently sent this letter to Councilman Djou regarding his proposed resolution 08-256. Please vote "no" to Bill 6 & 7, and to resolution 08-256. Please vote "yes" to Bill 8.

Mahalo,
Clare Connors

--- On Thu, 11/13/08, Clare Connors <connorsce@yahoo.com> wrote:

From: Clare Connors <connorsce@yahoo.com>
Subject: TVUs in Kailua -- Legalizing an Illegal Activity
To: cdjou@honolulu.gov
Date: Thursday, November 13, 2008, 10:30 AM

Dear Council Member Djou,

My name is Clare Connors and I have lived in Kailua for 30 years, having left for 10 years to go to school, work, and then get my law degree. I was lucky enough to come back to Hawaii and to buy a fixer-upper with my husband in Kailua, which is where our parents still reside.

I testified at the second reading against Bill 6 and for Bill 8. During the second reading, we had a powerful showing from Kailua residents against Bill 6. I am an AUSA and the only reason I was able to testify is because I am on maternity leave with my second child. As a mother and an attorney (who happens to prosecute child exploitation crimes), I raised my concern that voting for Bill 6 would directly undermine state and federal legislation currently on the books to protect our communities. My primary concern is that turning a residential neighborhood into a business place for vacation rentals would undermine the registration requirement for sexual offenders that the state of Hawaii unanimously voted into effect. How so? At this point, there is no registration requirement for tourists who are not residents. Therefore, a set of state and federal laws (known as Megan's laws) that were enacted so that we as neighbors could know our neighbors would be rendered entirely ineffective.

As a federal prosecutor, I have a larger concern about the manner in which this legislation has found its way to you. I have a much greater concern for the legal process. If your proposed resolution, which I understand is a good faith attempt to meet both sides halfway, were to pass, it would be akin to legalizing the illicit activities of a few despite laws enacted to protect the many. There is no question that the individuals hoping to expand tourist accommodations in our neighborhoods have been breaking existing laws. Although I am not writing to you in my capacity as a criminal prosecutor, I do have some experience with the type of people who break laws. There are at least two types -- those who recognize they have broken the law, accept responsibility, and make amends. Then, there are those who break the law because they feel justified to do so. In some cases, they have a heartbreaking story of woe (e.g., the mother of three who is forced to mule methamphetamine over the border because a drug lord threatens her children). In other cases, the criminals simply regard their rights as individuals to be superior to the rights of the community, which are encompassed in the existing laws. In all cases, they have broken the law and they are punished. However, in the latter case, I know, even as they are sentenced, that they will break the law again.

The tourist rental issue has come before you because of a remarkable lack of enforcement by the city, not because the majority of residents of Kailua wish to change the law. And,

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because we are dealing with people who felt justified in breaking the existing laws, this enforcement issue will not go away but only become a mammoth problem in the future. Just as our community has said "no" to methamphetamine in all cases, it has said "no" to changing the laws to allow additional tourist accommodations. Not only have the neighborhood boards unanimously said "no," so have the Planning Commission, the Oahu General Plan, and the Ko'olaupoko Communities Sustainability Plan. How can you ignore this? The existing laws reflect the community's position and changing them in any way, even in the manner you suggest in your recent proposal, will damage our political process and leave us vulnerable.

Please, respect our laws and help us enforce them.

Aloha,
Clare Connors
(808) 220-9882